

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRIYA HARRIRAM,

Plaintiff,

-against-

JOSEPH LUIS FERA, et al.,

Defendants.

USDC SDNY
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DATE FILED: 12/21/2022

22-CV-3356 (RA) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed plaintiff's second Opposition to Defendant's Motion to Dismiss (Dkt. 30), which the Court construes as a proposed sur-reply and a request to file the same. Normally, courts grant leave to file sur-replies only "when they address arguments raised for the first time in a reply brief." *Sec. & Exch. Comm'n v. Ripple Labs, Inc.*, 2022 WL 329211, at *3 (S.D.N.Y. Feb. 3, 2022). If, on the other hand, the moving party's reply brief merely "responded to matters that were raised for the first time in plaintiffs' response papers," no sur-reply will be permitted. *DT v. Somers Cent. Sch. Dist.*, 2009 WL 10706891, at *2 (S.D.N.Y. Feb. 11, 2009). Plaintiff's proposed sur-reply does not identify or address any argument "raised for the first time" in defendants' reply brief. Nonetheless, the Court will permit it to remain on the docket.

No further submissions will be accepted in support of or in opposition to the pending motion to dismiss the complaint (Dkt. 24).

Dated: New York, New York
December 21, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge